

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
ABERDEEN DIVISION

ELEANOR KELLER, *individually and on
behalf of all Heirs-at-Law and/or wrongful death
beneficiaries of Gerald Simpson, deceased, and
THE ESTATE OF GERALD SIMPSON, by and
through Glen Simpson, Administrator of the Estate*

PLAINTIFFS

V.

CIVIL ACTION NO.: 1:16-cv-136-SA-DAS

ATTALA COUNTY,
THE CITY OF KOSCIUSKO, MISSISSIPPI,
DARRIN FLEMING,
LIEUTENANT STEVE ALLAN, *in his individual and
official capacity,*
OFFICER MAURICE HAWTHORNE, *in his individual and
official capacity*

DEFENDANTS

ORDER

On January 31, 2018, Defendant Fleming filed a Notice of Appeal [91] as to this Court's Order on Summary Judgment and denial of qualified immunity [88]. Thereafter, Defendant Fleming filed a Motion to Stay Pending Qualified Immunity Appeal [92].

Plaintiffs predicate their surviving claims against the County on Officer Fleming's constitutional violations. Thus, the disposition of claims against the County are significantly intertwined with the pending resolution of the Defendants' current interlocutory appeal. Accordingly, the Court holds that staying this case preserves judicial economy, and in its discretion, GRANTS Defendants' Motion to Stay, pending resolution of appeal regarding Defendant Fleming. SO ORDERED this the 2nd day of May, 2019.

/s/ Sharion Aycock
UNITED STATES DISTRICT JUDGE